


6-27-91

FAX TRANSMISSION

To	Name: RAY CHURAN		
	Organization: DOI - OEA		
	Mail Stop:		
	FAX No.:	Area Code FTS 474	Number 1059
	Verification No.:	Area Code	Number
From	Name: Robert Bernstein		
	 U.S. Environmental Protection Region 9, Field Operations 75 Hawthorne Street San Francisco, California 94105		
	Division / Branch (mail stop): H-8-3		
	Phone No.:	Area Code 415	Number 744-2298
	Fax No.:	Area Code 415	Number 744 - 1916 FTS 484 - 1916
Pages	(Including cover) 12		
Subject	Draft IAG + Cover letter		
Note	Please call AND discuss.		



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, Ca. 94105

Mr. John Doe  
United States Department of Interior  
Office of the Secretary  
Post Office Box 649  
Albuquerque, New Mexico 87103

**DRAFT**

RE: Bluewater Uranium Mine Sites, Prewitt, New Mexico

Dear Sir:

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants or contaminants at the Bluewater Uranium Mining Sites. The Bluewater Uranium Mining Sites consist of the Brown-Vandever-Nanabah mines and the Navajo-Desiderio mine. The Brown-Vandever-Nanabah site lies within the Bluewater USGS Quadrangle and encompasses two Indian Allotment parcels (Section 18, Township 13N, Range 10W and Section 24, Township 13N, Range 11W), one Federal parcel administered by the Department of Energy (Section 13, Township 13N, Range 11W) and one privately owned parcel (Section 19, Township 13N, Range 10W). The Navajo Desiderio mine is Indian Allotted land and is located on Section 26, Township 13N, Range 10W of the Bluewater USGS Quadrangle.

EPA has spent, and will continue to spend, public funds to investigate and control these releases. EPA is conducting these response actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9604, as amended (CERCLA), and Sections 300.410 and 300.415 of the National Contingency Plan (NCP), 40 C.F.R. Part 300.

EPA has reason to believe that the release and threatened release of hazardous substances for the uranium mine pit surfaces, mining overburden and abandoned ore debris and mine tailings at the Bluewater Sites present an imminent and substantial endangerment to public health, welfare and the environment. Based on investigations performed to date, EPA has concluded that a removal action must be conducted at the Sites to: (1) reduce surface emissions of gamma radiation and provide radon gas barrier, and (2) restrict public access to the Sites.

Due to the serious potential health hazards associated with the radiation and radionuclide levels found at the Sites, EPA has concluded that the proposed removal actions must begin as soon as possible. EPA's Action Memorandum was distributed to the Depart-

ment of Interior during the Bluewater Interagency meeting held in Grants on June 3, 1991. At this time, EPA is trying to obtain funding approval to conduct the proposed actions and is preparing to commence work at the Sites in mid-July.

EPA wishes to work with the Department of Interior in implementing this response action at the Sites. Pursuant to Executive Order 12580, 25 CFR Part 211, Leasing of Tribal Lands for Mining, 25 CFR Part 216, Surface Exploration, Mining and Reclamation of Lands, and 43 CFR Part 3570, Operating Regulations for Exploration, Development and Production, the Bureau of Land Management and Bureau of Indian Affairs share joint responsibility in overseeing the treatment and condition of Indian lands, including Allotments. EPA is requesting that the Department of Interior, a designated Federal Trustee, financially assist EPA in this response action.

We are enclosing for your review and comments a draft Interagency Agreement (IAG) by which the Department of Interior agrees to reimburse the Environmental Protection Agency for the emergency response on the Indian Allotment lands composing the Bluewater Uranium Site. Should you have further questions regarding this IAG, please contact the EPA Project Officer, Robert Bornstein, at (415) 744-2298. Legal questions should be directed to Linda Wandres of EPA's Office of Regional Counsel, at (415) 744-1359. Due to urgency of this matter, EPA is requesting that you provide your comments on the IAG as soon as possible.

Sincerely,

Jeff Zelikson, Director  
Hazardous Waste Management Division



Part II - Approved Budget		EPA IAG Identification Number
22. Budget Categories	Itemization of This Action	Itemization of Total Project Estimated Cost to Date
(a) Personnel	\$	\$
(b) Fringe Benefits	SEE ATTACHMENT 1 FOR COST ESTIMATION	
(c) Travel		
(d) Equipment		
(e) Supplies		
(f) Procurement/Assistance		
(g) Construction		
(h) Other		
(i) Total Direct Charges	\$	\$ 181,102.00
(j) Indirect Costs: Rate      %      Base \$		
(k) Total		
(EPA Share      %)      (Other Agency Share 100      %)		\$
23. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? (Identify all equipment costing \$1,000 or more) <span style="float: right;"> <input type="checkbox"/> Yes      <input type="checkbox"/> No         </span>		
24. Are any of these funds being used on extramural agreements? (See Item 22f) <span style="float: right;"> <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No         </span>		
Type of Extramural Agreement <input type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input checked="" type="checkbox"/> Procurement (Includes Small Purchase Order)		
Contractor/Recipient Name (if known) Laguna Construction P.O. Box 194 Laguna, NM 87026 505-242-0506	Total Extramural Amount Under This Project Estimated to be \$181,102.00 for costs on Indian Allotted lands.	Percent Funded by EPA (if known)
Part III - Funding Methods and Billing Instructions		
25. <input type="checkbox"/> Funds-Out Agreement      (Note: EPA Agency Location Code (ALC) - 68010727)		
<input type="checkbox"/> Disbursement Agreement		
<input type="checkbox"/> Repayment      Request for repayment of actual costs must be itemized on SF 1081 or SF 1080 and submitted to the Financial Management Center, EPA, Cincinnati, OH 45268:		
<input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Upon Completion of Work		
<input type="checkbox"/> Advance      Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268.		
<input type="checkbox"/> Allocation Transfer-Out      Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of the Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Headquarters. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.		
26. <input checked="" type="checkbox"/> Funds-In Agreement		
<input type="checkbox"/> Reimbursement Agreement <input checked="" type="checkbox"/> Repayment		
<input type="checkbox"/> Allocation Transfer-In <input type="checkbox"/> Advance		
Other Agency's IAG Identification Number		EPA Program Office Allowance Holder/Responsibility Center Number
Other Agency's Billing Address (Include Agency Location Code or Station Symbol Number)		Other Agency's Billing Instructions and Frequency

**Part IV - Acceptance Conditions**

EPA IAG Identification Number

**27. General Conditions**

The other agency covenants and agrees that it will expeditiously initiate and complete the project for which funds have been awarded under this agreement.

**28. Special Conditions** (Attach additional sheets if needed)

This agreement may be terminated by either Agency upon 30 days advance written notice, prior to start of work.

Any requirements for payment or obligation of funds, by the USDI established by the terms of this agreement shall be subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. Section 1341.

The USDI agrees to reimburse EPA for extramural costs. EPA will submit to the USDI a demand for reimbursement of EPA's costs associated with site response activities incurred on Indian Allotted lands (Continued on Attachment 2).

**Part V - Offer and Acceptance**

Note: 1) For Funds-out actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants Administration Division for Headquarters agreements or to the appropriate EPA Regional IAG administration office within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in Item 29 after acceptance signature.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of the offer by EPA. Any change to the agreement/amendment by the other agency subsequent to the document being signed by the EPA Action Official, which the Action Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

2) For Funds-in actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature on behalf of the EPA. One original copy will be returned to the other agency after acceptance.

EPA IAG Administration Office (for administrative assistance)

EPA Program Office (for technical assistance)

**29. Organization/Address**

Office of Policy and Management, GMS  
EPA Region IX (P-2-2)  
75 Hawthorne Street  
San Francisco, CA 94105

**30. Organization/Address**

Hazardous Waste Management Division  
EPA Region IX (H-8-3)  
75 Hawthorne Street  
San Francisco, CA 94105

**Certification**

All signers certify that the statements made on this form and all attachments thereto are true, accurate, and complete. Signers acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

**Decision Official on Behalf of the Environmental Protection Agency Program Office**

31. Signature

Typed Name and Title

Jerry Clifford, Deputy Director  
HWMD

Date

**Action Official on Behalf of the Environmental Protection Agency**

32. Signature

Typed Name and Title

Jeff Zelikson, Director, HWMD

Date

**Authorizing Official on Behalf of the Other Agency**

33. Signature

Typed Name and Title

Date

Summary Report  
Initial Cost Projection Scenario: DOI BLUEWATER AREAS

Page: 1

Projection ID Number: W3

Date: 06/11/91

Cleanup Contractor: THOR - THORNE ENVIRONMENTAL

TAT Contractor:

COST ESTIMATIONS

Cost Projection Summary

=====

Contractor Personnel (Includes Davis Bacon Wages)	59,083.40
Contractor Equipment	31,335.50
Unit Rate Materials	24,650.00
At Cost Materials	0.00
Subcontractors	2,000.00
Waste Transportation	0.00
Waste Disposal	0.00
	-----
Cleanup Contractor Subtotal	117,068.90
Federal and State Agencies	25,000.00
	-----
Extramural Subtotal	142,068.90
5 % Extramural Contingency	7,103.45
	-----
Extramural Subtotal	149,172.35
TAT Personnel	0.00
TAT Special Projects	0.00
TAT Analytical Services	0.00
	-----
Total TAT Costs	0.00
Other Cost Items	0.00
	-----
Extramural Subtotal	149,172.35
10 % Project Contingency	14,917.23
	-----
Total Extramural Cost	164,089.58
EPA Regional Personnel	10,650.00
EPA Non-Regional Personnel	0.00
EPA Headquarters Direct	63.00
( 1 % of Regional Hours)	
EPA Indirect	6,300.00
	-----
EPA Total	17,013.00
	-----
Project Total	181,102.58



Detailed Report By Category  
Initial Cost Projection Scenario: DOI BLUEWATER AREAS

Page: 1

Projection ID Number: W3

Date: 06/11/91

Cleanup Contractor: THOR - THORNE ENVIRONMENTAL

TAT Contractor:

Cost Projection Detail - By Category

Contractor Personnel

Wages are estimated to include Davis Bacon Wages

Job Category	Number of Employees	Number of Days	Hrs per Day	Labor	PD, Lodge Travel	Total Charge
-----						
000 - GENERAL SITE COSTS						
001-RESPONSE MGR (SR	1	10	10.00	6,674.00	850.00	7,524.00
002-FOREMAN	1	10	10.00	4,789.40	850.00	5,639.40
005-EQUIP. OPERATOR	4	10	10.00	27,600.00	3,000.00	30,600.00
006-TRUCK DRIVER	2	10	10.00	13,800.00	1,520.00	15,320.00
						-----
Total for GENERAL SITE COSTS :						59,083.40

Total personnel cost: 59,083.40

Contractor Equipment

Equipment Name	Number Needed	Reg Days	Hours /day	Stby Days	Mob/Demob Days	Decon Days	Mileage	Total Charge
-----								
003 - EXCAVATION								
062-TRLR, DECON 8X25	1	10	10.00	0	0	0	N/A	180.00
086-LOADER, CAT 966	1	10	10.00	0	0	0	N/A	4,160.00
090-D-6 DOZER	1	6	10.00	0	0	0	N/A	2,591.50
092-D-8 DOZER	2	10	10.00	0	0	0	N/A	13,440.00
101-ROAD GRADER	1	10	10.00	0	0	0	N/A	2,240.00
159-SCRAPPER (TS 14)	2	10	10.00	0	0	0	N/A	8,000.00
166-GENERATOR 10 KW	1	10	10.00	0	0	0	N/A	580.00
298-COMPUTER, PORT PC	1	10	10.00	0	0	0	N/A	144.00
								-----
Total for EXCAVATION :								31,335.50

Total equipment cost: 31,335.50

Unit Rate Materials

Material Name	Material Use	Unit Cost	Number of Units	Total Charge
-----				
000 - GENERAL SITE COSTS				
CEMENT	MINE SEALING	15.000	1000.0 10 LBS	15,000.00
HYDROSEED	GROUND COVER	500.000	13.0 PER ACRE	6,500.00
PROT CLOTHING	PROCLO	250.000	6.0 BOXES	1,500.00
SIGNS	POSTING	55.000	30.0 SIGN	1,650.00



Detailed Report By Category (cont.)  
Initial Cost Projection Scenario: DOI BLUEWATER AREAS

Page: 2

Projection ID Number: W3

Date: 06/11/91

Cleanup Contractor: THOR - THORNE ENVIRONMENTAL

TAT Contractor:

Unit Rate Materials

Material Name	Material Use	Unit Cost	Number of Units	Total Charge
				-----
Total for GENERAL SITE COSTS :				24,650.00
				-----
Total unit rate materials cost:				24,650.00

At Cost Materials

0.00

Subcontractors

Subcontractor	Service	Billing	Total Charge
-----			
000 - GENERAL SITE COSTS			
-----			
TO BE ANNOUNCED	SITE SECURITY	1.0 MONTH	2,000.00
			-----
Total for GENERAL SITE COSTS :			2,000.00
			-----
Total subcontractor cost:			2,000.00

Waste Transportation

0.00

Waste Disposal

0.00

Federal and State Agencies

Agency	Service	Total Charge
-----		
000 - GENERAL SITE COSTS		
-----		
EPA-ERT	HEALTH SAFETY OFFICE	10,000.00
USCG-PST	LOGISTICS/COMMUNIC	15,000.00
		-----
Total for GENERAL SITE COSTS :		25,000.00
		-----
Total Federal and State Agencies cost:		25,000.00
		-----
5 % Extramural Contingency:		7,103.45

TAT Personnel

0.00

=====

Detailed Report By Category (cont.)  
Initial Cost Projection Scenario: DOI BLUEWATER AREAS

Page: 3

Projection ID Number: W3

Date: 06/11/91

Cleanup Contractor: THOR - THORNE ENVIRONMENTAL

TAT Contractor:

=====

TAT Special Projects	0.00
TAT Analytical Services	0.00
Other Costs	0.00

10 % Project Contingency: 12,417.23

EPA Regional Personnel

Title	Number of Days	Hrs per Day	Hourly Rate	Labor	PD, Lodge Travel	Total Charge
-----						
000 - GENERAL SITE COSTS						
-----						
OSC	10	10.00	93.00	9,300.00	1,050.00	10,650.00
						-----
Total for GENERAL SITE COSTS :						10,650.00

-----

Total EPA Regional Personnel Cost: 10,650.00

EPA Headquarters Cost: 63.00  
( 1 % of Regional hours)

EPA Indirect Cost: 6,300.00  
(100 hours @ \$63.00 per hour)

EPA Non-Regional Personnel 0.00

Total EPA Cost: 10,650.00

Total site cost: 172,239.58

**ATTACHMENT 1  
INTERAGENCY AGREEMENT**

The Environmental Protection Agency's Emergency Response Section will provide the following services to the United States Department of Interior on the following Indian Allotted lands:

Brown-Vandever-Nanabah Mine sites  
Desiderio Mine site

*add TR*

Pursuant to Section 300.415 of the National Contingency Plan, EPA will conduct a site stabilization actions at both sites to reduce the immediate radiological hazards resulting from previous mining activities.

To accomplish this task, EPA plans to conduct the following actions:

**TASKS TO BE PERFORMED ON ALLOTTED LANDS**

- 1) EPA will conduct an extensive ground gamma survey at both sites to delineate and define "radiological hot spots". These spots will have an average gamma radiation reading greater than or equal to 300 uR/hr.
- 2) Areas with frequent public and grazing use that are determined to be "hot spots" will be backfilled and covered by an earth cover to reduce the gamma emissions to below 57 uR/hr above background and the radon gas emissions to below 3 pCi/l. EPA will also hydroseed the treated zones at a future date.
- 3) EPA will post signs warning of radiological hazards in English, Spanish and Navajo.
- 4) EPA will fill, seal and cap mine adits, inclines and ventilation shafts to reduce radon gas emissions.
- 5) EPA will provide biweekly progress reports in the form of Pollution Reports (POLREPS) to the USDI Project Officer. At the completion of the project, EPA will provide the USDI with a copy of the OSC report. EPA will also submit to the USDI a detailed report of incurred costs on Indian Allotted lands.

**ATTACHMENT 2  
INTERAGENCY AGREEMENT**

(Item 28 Continued)

The EPA, as the Agency providing the Federal On-Scene-Coordinator, shall provide a report which summarizes the EPA activities at the Site upon completion.

The amount EPA will request for reimbursement will be prorated based on the amount of acreage covered, mine shafts sealed, and signs utilized on Indian Allotted Lands in proportion to the total amount EPA incurs.

The EPA will assure that the tasks to be performed on the DOE and private lands located adjacent to the Brown-Vandever-Nanabah mine site will be completed on the same schedule so those on Indian Allotted Lands.

This IAG is in no way to be viewed as a model/precedent for reimbursement of response actions on Indian Allotted Lands.

A breakdown of charges is not currently available, however, it will be provided prior to EPA's request for reimbursement.

The demand will be made in the form of a letter and will be accompanied by Removal Cost Management System documentation that will serve as the accounting of EPA's expenditures. Payment shall be made by check payable to the United States Treasury and addressed to:

United States Environmental Protection Agency  
Financial Management Section  
26 West Martin Luther King Drive  
Cincinnati, Ohio 45268

Include on the check the IAG number. Please send copies of the check and cover letter to:

Robert Bornstein, On-Scene-Coordinator  
Mail Code H-8-3  
USEPA-ERS  
75 Hawthorne Street  
San Francisco, CA 94105